IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.4879 of 2006

Dated: March 18, 2006

Between:

Ventrapragada Ramarao,

S/o. Narayana, 70 years,

Cultivation, and another.

… Petitioners

And

The Secretary to the Govt. of A.P.

Tribal Welfare, Secretariat, Hyderabad,

and two others.

… Respondents

Order:

Petitioners, two in number, claim to be the owners and possessors of land to an extent of Ac.4.64 cents in R.S.No.103/1 and Ac.4.42 cents in R.S.No.116/1, situated at Swarnavarigudem, Jeelugumilli Mandal, West Godavari District.

2. Heard the learned counsel for the petitioners and the learned Government Pleader appearing on behalf of the respondents.

3. With regard to the aforesaid land, the Special Deputy Collector, Tribal Welfare, Eluru, initiated proceedings for eviction of the petitioners on the ground that the transfer of the said land in their favour, was in contravention of the provisions under the Andhra Pradesh Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70. In the said proceedings, an order dated 26-10-1979 was passed in S.R.No.118/79 evicting the petitioners from the aforesaid land. The order of eviction was also confirmed on an appeal filed by the petitioners by order dated 13-08-2001 in S.R.A.No.32/95.

4. It is the case of the petitioners that the orders in the appeal were not communicated to them immediately. When steps were being taken for evicting them, they preferred revision petition before the first respondent-Government on 02-03-2006 along with an application for stay, and the said revision petition is pending consideration before the first respondent. It is the grievance of the petitioners that on one hand, the revisional authority has neither taken up the revision petition nor the application for stay, for consideration, and on the other, respondents are taking steps to evict them from the aforesaid land.

5. On the other hand, learned Government Pleader appearing for the respondents submits that final orders were passed by the appellate authority on 01-09-2001 and they were communicated to the petitioners immediately; in spite of the same, petitioners, without filing revision petition instantly, approached the revisional authority at a belated stage and filed revision petition only on 02-03-2006.

6. As much as the revision petition filed by the petitioners before the first respondent-Secretary is pending consideration, it is not desirable to record any finding on the merits of the case; whether the transfer was in contravention of the regulations and whether the revision petition filed by the petitioners is within the limitation prescribed

under the regulations. But, however, the facts remains that though eviction order has been passed, petitioners have been in continued possession of the aforesaid land.

7. In that view of the matter, I deem it appropriate to dispose of the Writ Petition directing the first respondent/revisional authority to dispose of the revision petition filed by the petitioners, as expeditiously as possible, preferably within four (4) months from the date of receipt of a copy of this order. Pending disposal of the said revision petition, respondents are directed to maintain *status quo* with regard to possession of the aforesaid lands.

8. The Writ Petition is disposed of with the above directions. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 18, 2006

N.B. **Furnish C.C. in two days**

B/o

MRR